G. R. S. IX-5]

1873
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(Coombs)

Previous references.
cls: 3-1872

File No. 5. 0/1873

Serial Nos. 1-4

Later references.
cls. 4-1876
" 3-1876
" 11-1878
" 10-1879
" 11-1879
" 12-1879
" 5-1881

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Major ~~Part~~ B for March, 1875

SUBJECT.

Appointment of a Government Pleader for this Province

Indexed

W D 88—GPB—50,000—24-7-15

No. 132

Mysore Judicial Commissioner's Office
Bangalore 9th August 1873

From

J. D. Gordon Esquire C. S. I
Judicial Commissioner
in Mysore

To

The Secretary to the
Chief Commissioner
of Mysore

Sir,

In forwarding copy of letter No. 159 dated 28th July 1873 from the Commissioner of Astagram (with its enclosure) on the subject of the appointment of a Government Pleader to conduct cases brought against Government, or Government officials in their official capacity, I have the honor to state that as such cases are comparatively rare, I am not prepared to recommend the appointment in the Province generally of Government Pleaders though such a measure may eventually be desirable; it may be expedient, however, if the Chief Commissioner thinks fit, to authorize the Commissioners in each Division, in cases where application for sanction may occasion delay and inconvenience, to sanction the employment of a Pleader on a reasonable fee, in anticipation of the sanction of the Chief Commissioner to whom the steps taken should be at once reported.

I have the honor to be
Sir,
Your most Obedt. Servant

J. D. Gordon

Judicial Commissioner

16/8 862

I think it will be well to adopt the course proposed by the Govt. Genl., in preference to giving a general authority by the Dep. Comrs. for employing a Pleader whenever the necessity of such a measure may be urged - the State thus knows what the Expenditure is to be, & each Deputy can

Orders will then accordingly be issued

Rule

Not Rule

15-8-73 1873. 14

From The Judicial Commissioner of Mysore

To Secretary to Chief Commissioner,
General Department.

Dated. 9th August 1873.
Despatched 11th
Received. 12th

Enclosures No.

General No. 1081
No. 132

Forwards copy of a letter from the Commissioner of Asta. = gram with its enclosures and makes certain suggestions on the subject of the appointment of a Government Pleader to conduct cases brought against Government or Government officials.

In Mysore Territory there is a native Govt Pleader in every district. It is not probable that such officials are required to the same extent in Mysore. The Dy Comrs may however be authorized to employ a Govt Pleader (charging him the ordinary fee) on behalf of Govt whenever the services of such a man are really required
16/8 Not Rule

No 159.

Ashtagram Commissioner's Office.

To,

The Judicial Commissioner
of Mysore.

Dated Yelwall 28th July 1843.

Sir,

In forwarding copy of letter No 329 of the 19th Instant from the Deputy Commissioner of the Mysore District, recommending that a government Pleader may be appointed to conduct cases against government, I have the honor to say that I concur with Captain Hill in thinking it very necessary that a Pleader should be appointed to conduct on the part of government such cases as those referred to by the Deputy Commissioner.

I have &c
(Signed) T. Clerk
Commissioner Ash. Dn.

No 329.

Deputy Commissioner's Office
Mysore District.

Dated Camp Hoonsoor 19th July 1843.

To

The Commissioner
Ashtagram Division.

Sir,

I have the honor to bring to your

notice that the Amildar of the Chamrajanagara Taluk has been sued in his Official capacity in the Pathilly Judicial Assistant's Court, by one Gunnoo Sheau Lahib for Damages alleged to be sustained in consequence of the cancelment of a Contract for the right to collect gall-nuts. I need scarcely point out that it entails much Public inconvenience that the Amildar should be obliged to leave his Taluk and defend the Case in person.

2. I am constantly being referred to by the Assistant Conservator of Forests and the Executive Engineer Cauvery Division for advice in Cases in which suits are brought against them in their Official capacity, or when they may have occasion to sue parties; but have to decline to interfere, as the suits may be brought in my own Court or may come before it on Appeal.

3. Section 64 of the Civil Procedure Code, provides for such suits being conducted through the government Pleader, but as this Section has not been extended to Mysore, and as there is no government Pleader, appointed for this District, advantage cannot be taken of its provisions.

I am informed that in Her Majestys Territory, a Government Pleader is appointed for each District to conduct government

cases on an allowance of Rupees 21 per mensem. A similar arrangement might be introduced here where such cases are common, or general authority be granted to me to employ any Pleader giving him the regulated fees as remuneration.

I have &c.

(Signed) W. Hill.
Deputy Commissioner.

"Copy"

(Signed) T. Clerk.
Commissioner

"Copies"

J. D. Fodor
Judicial Commissioner.

J.P.R

6

MYSORE COMMISSION

Letter No. 1081/132 dated 9 August 1873 from the Judicial Commr. on the subject of the employment of Pleaders to conduct Cases brought against Government, or Govt. Officials in their official Capacity.

Section Etc
File No 7 — 74
Serial No 2

Order thereon

No. 2655/76 dated the 19th Augt. 1873

The Chief Commr. considers that it will be well to adopt the Course proposed by the Judicial Commr. ~~in the letter above quoted, in preference to giving a general authority to Deputy Commissioners to employ Pleaders~~ wherever their services are required.

I request that Mr. Gordon will submit explicit proposals in lieu to the appointment of a Government Pleader at Mysore

C. F.
Offg Secretary.

I. H. Gordon
16-8-73.

To Judicial Commissioner in Mysore.

I 062

MYSORE COMMISSION

To

The Judicial Commissioner
in Mysore.

Dated 19th August
desp.

Genl. No. 2655
J 76.

Rec'd 22nd Aug. 1893.

Referring to letter No.
1081/132 of 9th Instant, requests
that definite proposals in
view to the appointment of a
Govt. Reader at Mysore may
be submitted

D 62 8

From 1873. No. 2739/77

To The Jud. Commr of Mysore

Dated 22 August 1873

Despatched

Received Reg. 27th

Enclosures No.

General No. 2739/1873-74.

No. 77

Section Cl 6

File No 7-74

Serial No 4

Has the honor to request that the Chief Commr's order of the 19th August 1873 No. 2658/74 may be cancelled, and the following substituted

"The Chief Commr "assents to Mr. Gordon's "proposal that Commrs "of Divisions may "be authorized to sanction "the employment of a "Pleader in cases to a-

32. which

"which Govt is a party,
"in anticipation of the
"sanction of the Chief
"Commissioner.

By order

[illegible]

[illegible]

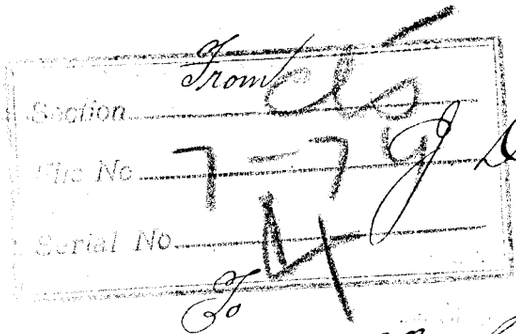
[illegible] 22/8/73

9

-5-

346

Mysore Judl Commissioner's Office
Bangalore 16th March 1875.



From J. D. Gordon Esquire, C. S. I.
Judicial Commissioner
of Mysore

The Secretary to the Chief Commissioner
of Mysore.

Sir,

I have the honor to forward, for the information of Sir Richard Meade, a Memorandum containing my views regarding a proposal made by the Commissioner of the Nundidroog Division for the appointment of a Government Pleader for this Province.

An original letter No. 263, dated 16th September 1874 from the Commissioner of Nundidroog, together with Mr. Nepean Smith's application of the 4th Idem, is also herewith sent.

I have the honor to be
Sir,
Your most obedient Servant,

J. D. Gordon
Judl Commissioner

I
P. 65

No. 345

1875.

From J. D. Gordon Esquire, C.S.I
Judl Commissioner of Mysore

To

Secretary to Chief Commissioner,
~~General Department.~~
of Mysore.

Dated 16th March 1875.
Despatched 1st April
Received 1st April

ENCLOSURES NO. 3.

General No. 210 } 1875
No. 346

Forwards Memorandum & draw containing the Judl Commrs views regarding a proposal made by the Commr of Mysore for the appointment of a Govt Pleader for this Province

Approved

5/4/75

MOORE COMMISSION

B

Memorandum

The Commissioner of the Nundidroog Division has forwarded to me, for favorable consideration, a proposal for the appointment of a Government Pleader. He recommends the measure on grounds of public advantage and economy, and he suggests the name of a Pleader, Mr. Stephen Smith, Public Prosecutor at Bangalore, as a well qualified person for the appointment should Government think fit to create it.

I desire to leave the papers connected with Colonel Pearse's proposal in the hands of the Chief Commissioner, for such orders as he may deem fit to pass regarding it.

My own opinion on the subject is, that the time has not yet come for the appointment of a Government Pleader in this Province.

In my letter of 9th August 1873 to the Secretary, I expressed the same opinion in regard to the Ashtagram Division.

It has not been shown that it would be less expensive to Government to have a salaried officer to conduct civil cases on its behalf, and with regard to criminal cases, the Chief Commissioner has already ruled that the services of the Public Prosecutor are available for the conduct

of

of the prosecution, in any special case in which they may be required on behalf of Government.

As regards Criminal appeals in my Court, I have ruled that the Public Prosecutor from the Divisions, need appear before me only in exceptionally important cases

For these reasons, I do not think that the creation of a new appointment is at present necessary.

Should such an appointment at any time be created, Mr. A. Smith is not, in my opinion, the proper officer to be selected to fill it. I doubt not he would do professional justice to cases entrusted to him, but I should consider his age an objection to his selection for a new appointment of the kind under consideration

J. D. Jordan

16 March 1875.

Judicial Commissioner.

J.P.